

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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HOME PAGE: www.fcc.gov/mb/audio/

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New Century Media Group, LLC
New Age Communications, Inc.
3012 Highwoods Blvd.
Suite 201
Raleigh, NC 27604

In re: WKXU(FM), Hillsborough, NC
New Century Media Group, LLC ("NCMG")
Facility ID # 22322
BPH-20060921ACX

WKIX(FM), Smithfield, NC
New Age Communications, Inc. ("NAC")
Facility ID # 61259
BPH-20041221ABZ

Dear Applicant:

This refers to the above-captioned minor change applications to modify the antenna height, location, effective radiated power, and community of license. For the reasons stated below, we dismiss the applications.

A legal study of the applications reveals that they violate the local radio ownership rules pursuant to 47 C.F.R. Section 73.3555(a). The Curtis Media Group ("Curtis") of which NCMG and NAC are members, has an attributable interest in 11 stations in the Raleigh-Durham, NC BIA market. There are a total of 44 stations in that market. In a market with between 30 and 44 full power, commercial and noncommercial radio stations, a single entity may have an attributable interest in no more than seven commercial radio stations in total and no more than four of which are in the same service (AM or FM).¹ Curtis exceeds both, the total number and the number of same service stations that it can hold an attributable interest in a market of this size.

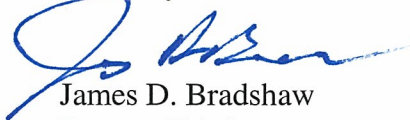
In addition, a waiver of the Commission's contingent application rule would also be necessary to continue to process the applications. The proposed facilities cannot be granted unless Curtis implements certain changes in its ownership structure in the future. With the exception of certain narrowly defined filings, the Commission's rules prohibit generally the filing of contingent

¹ 47 CFR Section 73.3555(a)(1)(ii)

applications.² Such proposals can frustrate the introduction of new and improved services. Processing such applications also can result in the expenditure of limited staff resources on proposals that may never be implemented. NCMG and NAC have neither sought nor demonstrated that it has cleared the high hurdle for the required waiver.³ Therefore, we conclude that a waiver in the instant circumstances would be contrary to the public interest.

Accordingly, applications BPH-20060921ACX and BPH-20041221ABZ are unacceptable for filing and ARE HEREBY DISMISSED pursuant to Section 73.3566(a)⁴ of the Rules. This action is taken pursuant to Section 0.283⁵ of the Rules.

Sincerely,



James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Coe W. Ramsey

² See *id.* at § 73.3517.

³ See *WAIT Radio v. FCC*, 418 F.2d 1153, 1158 (D.C. Cir. 1969), *aff'd* 459 F.2d 1103 (D.C. Cir. 1972), *cert. denied*, 409 U.S. 1027 (1972).

⁴ 47 C.F.R. § 73.3566(a).

⁵ *Id.* at § 0.283.